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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,143	09/10/1999	PAUL CHARLES TURGEON	044624-15-NP	3795

24964 7590 12/02/2002

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EXAMINER

HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/394,143

Applicant(s)

TURGEON, PAUL CHARLES

Examiner

Calvin L Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continued Prosecution Application

1. The request filed on 13 September 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09394143 is acceptable and a CPA has been established. An action on the CPA follows.

Status of Claims

2. Claims 1-25 have been examined

Response to Arguments

3. The Applicant is of the opinion that the prior art does not show, "... encrypted information retrieved from a computer-readable storage medium to be used in determining access to a customer's financial account". The Examiner respectfully disagrees. Dolphin teaches auditing consumer use of data stored on a CDROM (column 8, lines 53-67; column 11, lines 25-32; column 12, lines 42-47). Therefore, in order to accurately bill and audit a customer, a direct correlation must exist between the user, user account and the decrypted data accessed, hence Dolphin clearly teaches "... encrypted information retrieved

from a computer-readable storage medium to be used in determining access to a customer's financial account".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9, 12-20, 23-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Schrader et al., U. S. Patent No. 5,903,881 in view of Dolphin, U. S. Patent No. 5,457,746

As per claims 1-6, 9, 12, 17-20, and 23, Schrader et al. teach an online banking system comprising:

- a personal computer with a browser (figures 3-7; column/line 5/65-6/12; column/line 7/58-8/10; column 12, lines 28-67; column 13, lines 45-60)
- private and public networks (figure 13; column 11, lines 40-55; column 12, lines 35-52)
- computer readable storage medium (figures 1 and 2; column 2, lines 38-52; column 12, lines 53-67; column 13, lines 8-60)

- remote and local encryption/decryption processing (column 14, lines 38-43; column 17, lines 11-40)
- remote computer that provides online goods and services and responds to user request for user account data (figures 3-7 and 13; column 11, lines 40-55; column/line 13/814/57)
- displaying unencrypted data to a user including a request for user login identification data (figure 15; column 15, lines 5-55; column/line 16/63-17/5)
- sending user identifier and encrypted information to a remote processor (figure 15; column 15, lines 5-55; column/line 16/63-17/45)
- authentication including extracting user account history (e.g. second identifier such as account number) processor (figure 15; column 15, lines 5-55; column/line 16/6317/45; column/line 18/58-19/24)
- displaying and identifying a users financial institution (figures 2-7; column 11, lines 40-55).

Regarding a "network switch", it is at least obvious that a switch or router is present in order to correctly transmit a users request for account data to the appropriate financial institution (figures 7 and 13; column 11, lines 40-55; column/line 16/63-17/5). Schrader et al. teach a financial computer application

that can be delivered to a user on a CD ROM. The application is comprised of executable code and data files (such as transaction instructions, uncleared transactions, payee information, account information and registration data (column 12, lines 53-67)). However, Schrader et al. do not teach of encrypted data stored on a CDROM. Dolphin, on the other hand teaches a CDROM with encrypted and unencrypted portions (figure 10; column 4, lines 39-54) and a decryption processor (access or cryptographic part of billing/access center connected to a network access device via a public network and connected to a financial institution (billing part of billing/access center) via a private network (column 7, lines 29-34 and 48-57; column/line 7/65-8/24). Dolphin also maintains a user audit trail (column 8, lines 53-67; column 11, lines 25-32; column 12, lines 42-47) and allows users to contact to a financial institution (e.g. billing center) over a network for billing purposes (column/line 4/55-5/6; column 9, lines 1-20; column/line 11/46-12/10). Hence, Dolphin discloses a decryption processor connected to a network access device via a private network that determines access to a customer's financial account on the basis of decrypted information. Therefore, it would have been obvious to combine the teachings of Schrader et al. and Dolphin. Schrader et al. teach an application that provides users with security using authentication and encryption key protocols (column 17, lines 5-22). By incorporating the teaching of Dolphin a distributor can encrypt sensitive data (e.g. uncleared transactions or account information) while leaving non-

sensitive data (e.g. an electronic registration form) unencrypted when the application is executed on the user's system via a portable storage medium such as a CDROM.

As per claims 7, 8 and 25 Schrader et al. teach user authentication (figure 15; column 15, lines 28-44; column/line 16/63-17/45) and error handling modules (column 14, lines 20-27). Therefore, it would have been obvious to one of ordinary skill in the art of network administration to create a message to inform a user that his/her request was approved or not approved. Further, it would have been obvious to request the user to update his/her data with regards to changes in name, martial or living status. This is a prudent and well-known policy. In order to communicate with users, particularly "offline" communications, a financial or academic institution needs to maintain up-to-date contact information.

As per claims 13-16, and 24, Schrader et al. teach CD-ROMs, encryption and authentication in an online banking environment (figure 15; column 12, lines 53-67, column 14, lines 38-43; column 15, lines 5-55; column/line 16/63-17/45; column/line 18/58-19/24). Banks are associated with card producing facilities and files as they issue bank, credit and smart cards. Therefore, it would have been obvious to produce a CD-ROM using whatever means or methodology that would provide the most savings to a business or institution.

5. Claims 10, 11, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrader et al., U. S. Patent No. 5,903,881 in view of Motoyama, U. S. Patent No. 5,913,202 and Polcyn, U.S. Patent No. 6,195,357.

As per claims 10, 11, 21 and 22, Schrader et al. teach displaying financial institution data to a user (figures 1-7; column 11, lines 40-55). However, Schrader et al. do not teach advertisements or voice messages. Motoyama teaches an online banking system that advertises financial products and provides account consultation to a user (column 3, lines 33-67; column 4, lines 1-22; column 5, lines 53-65) while Polcyn applies voice messaging over the internet to financial services (abstract; figures 1 and 2; column 6, lines 4-67). Therefore, it would have been obvious to combine the teachings of Schrader et al., Polcyn and Motoyama. By marketing their products and services a financial institution can retain current and attract new users. A simple but well-known marketing method is the "greeting". A fear associated with automation is the loss or lack of human interaction. By sending a user an audio greeting each time he or she accesses the service injects a little bit of humanity into the system. Further, an institution can advertise its new products in this same (e.g. audio) manner as users have been known to ignore online visual ads such as "banners".

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Shear teaches disseminating encrypted data via CDROM

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
c/o Technology Center 2100
Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

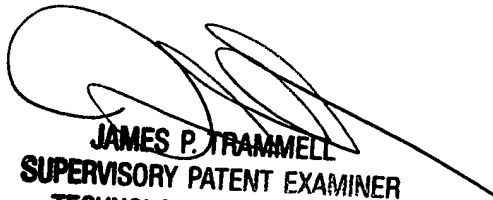
(703) 746-5532 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451
Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application
should be directed to the Group receptionist whose telephone number is (703)
308-1113.

Calvin Loyd Hewitt II

November 26, 2002


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600